



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,711	01/15/2002	William B. Joyce	26	3842

7590 01/22/2004

Lester H. Bimbaum  
6308 Sauterne Drive  
Macungie, PA 18062

EXAMINER

MOONEY, MICHAEL P

ART UNIT PAPER NUMBER

2877

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/047,711

Applicant(s)

JOYCE, WILLIAM B.

Examiner

Michael P. Mooney

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-13 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2,6 and 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the limitation "said third assembly" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "said third assembly" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. The subsequent dependent claims 8-9 will not be reviewed for allowability until this problem with claim 7 is corrected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

**Claims 18-20, 1, 4-5 are r j cted under 35 U.S.C. 102b as being anticipated by Sasaki et al. (5960141).**

Sasaki et al., at figs. 7-8 & 11-13, teaches an optical module for holding an optical fiber and optical component in alignment, said module comprising: a. a housing having an inside and an outside (i.e., fig. 13 # 78); b. a first assembly surrounding said optical fiber (#54); c. a second assembly surrounding said optical fiber (#18); d. said housing supporting said optical fiber, said optical component, and said first assembly; e. said first assembly being between said second assembly and said optical component. (figs. 7, 10). Thus claim 18 is met.

Sasaki et al. teaches the height of said first assembly is greater than the height of said second assembly. (fig. 7). Thus claim 19 is met.

Sasaki et al. teaches the width of said first assembly is greater than the width of said second assembly. (fig. 7). Thus claim 20 is met.

Claim 1 essentially differs from claim 18 because claim 1 names a platform. Sasaki et al. fig. 11 contains a platform at, e.g., the bottom surface of the casing 80. Sasaki et al. therefore teaches each and every element of claim 1 by the above reasons and references. Thus claim 1 is met.

By the reasons and references given above each and every element of claims 4-5 are met.

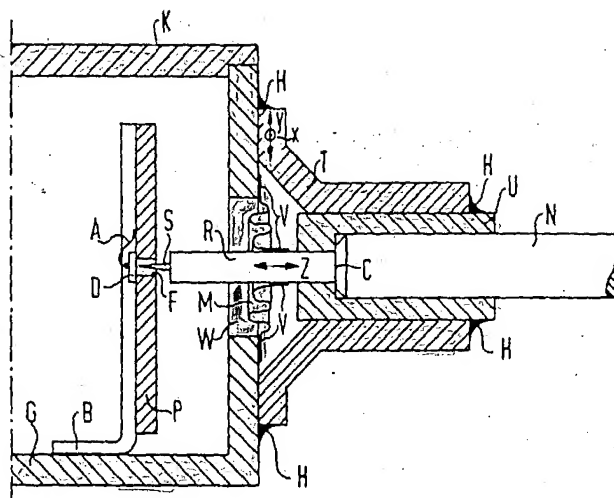
**Claims 10-13 are rejected under 35 U.S.C. 102b as being anticipated by Falkenstein et al. (4707066).**

Falkenstein et al. teaches an optical module for holding an optical fiber and optical component in alignment, said module comprising: a. a housing having an





Art Unit: 2877

inside and an outside; b. a platform inside the housing; c. a screen having a first aperture and being supported by said platform; d. a flange having a second aperture; e. a hollow sleeve R encasing said optical fiber; f. said first and second apertures each having a center, said centers being substantially axially aligned; g. said sleeve, with said encased optical fiber, being located inside said first and second apertures; and h. said flange being affixed to said sleeve and to said screen. (See fig. 2 below). Thus claim 10 is met.

FIG 2



Key:

-  - platform (W)
-  - flange
-  - Screen (M)
-  - housing

Falkenstein et al. teaches the height of said screen is greater than the height of said flange; (See fig. 2 above). Thus claim 11 is met.

Falkenstein et al. teaches the width of said screen is greater than the width of said flange. (See fig. 2 above). Thus claim 12 is met.

Falkenstein et al. teaches the width of said screen is greater than the width of said platform. (See fig. 2 above). Thus claim 13 is met.

#### ***Allowable Subject Matter***

Claims 2, 6, 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 703-308-6125. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 703-308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

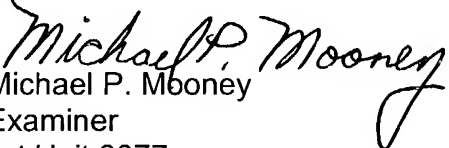
Application/Control Number: 10/047,711

Page 7

Art Unit: 2877

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

0956. An alternative useful number for status inquiries is 703-306-3329.

  
Michael P. Mooney  
Examiner  
Art Unit 2877

  
Frank G. Font  
Supervisory Patent Examiner  
Art Unit 2877

FGF/mpm  
1/8/04